

## REMARKS

Claims 1, 3-13, 15-25, 27-30 and 32-37 are pending in this patent application. Reconsideration of the rejections in view of the remarks below is requested.

Applicant thanks the Examiner for the courtesies extended to the undersigned in the telephone conference of October 18, 2006. Applicant apologizes again for being late to the teleconference and appreciates Examiner's understanding in that regard. The substance of the telephone conference is discussed below.

Claims 30 and 32-37 was rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner argues that it is not clearly understood how the liquid outlet port can be suspended above the substrate table as claimed. Respectfully, a person skilled in the art would readily understand such language and thus claims 30 and 32-37 are not indefinite. Any number of methods and mechanisms well-known in the art may be used to suspend the liquid outlet port. For example, Applicant's specification referring to Figure 1 provides at page 11, line 30 to page 12, line 6 that "one or more of the outlets 60, 63, 66 may be provided. The outlets are positioned radially outwardly of the barrier member 10 ... Any arrangement can be used for outlets and three possibilities are shown in Figure 4. A typical outlet 60 might be one which is connected either to the base frame BF or the projection system frame RF (shown in Figure 1) and which removes liquid from the surface of the substrate W or substrate table WT or a substrate table mounted sensor 70 or a shutter member 80." Thus, the person skilled in the art would readily appreciate, for example, that the suspended outlet port is simply an outlet port appropriately mechanically mounted and positioned above the substrate table to remove liquid. Accordingly, reconsideration and withdrawal of the objection to claims 30 and 32-37 are respectfully requested.

The Office Action rejected claims 21, 22, 24, 30 and 33 under 35 U.S.C. §102(e) as anticipated by U.S. Patent Application Publication No. US 2005/0264774 to Mizutani et al. ("Mizutani et al."). Applicant respectfully traverses the rejection, without prejudice.

As discussed in the above-referenced telephone conference, Mizutani et al., which is a continuation of the Mizutani et al. PCT patent application PCT/JP03/15737 filed December 9,

2003, which was published in Japanese as PCT patent application publication WO2004/053958 on June 24, 2004, may not be used as prior art under post-AIPA 35 U.S.C. §102(e) against Applicant's application since its §102(e)(1) date is later than Applicant's U.S. filing date. In particular, the §102(e)(1) date of Mizutani et al. is its U.S. filing date, which was June 8, 2005. See, e.g., MPEP §706.02(f)(1) and in particular Example 8 therein explaining the application of §102(e) in a fact circumstance similar to this case. Since June 8, 2005 is later than Applicant's U.S. filing date of December 23, 2003, Mizutani et al. may not be used as prior art under 35 U.S.C. §102(e) against Applicant's application. Further, only international (PCT) applications designating the U.S. and published in English may be used as prior art under 35 U.S.C. §102(e). Therefore, the PCT patent application publication WO2004/053958 of Mizutani et al. may not be used as prior art either under 35 U.S.C. §102(e). Further, PCT patent application publication WO2004/053958 was published after Applicant's U.S. filing date of December 23, 2003.

Therefore, Applicant respectfully submits that the rejection under 35 U.S.C. §102(e) of claims 21, 22, 24, 30 and 33 in view of Mizutani et al. is moot and the claims should allowed.

The Office Action rejected claims 30, 33 and 34 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,867,844 to Vogel et al. ("Vogel et al."). Applicant respectfully traverses the rejection, without prejudice.

As discussed in the above-referenced telephone conference, the cited portions of Vogel et al. do not disclose a liquid outlet port radially outward of the liquid inlet port. In Figures 1-5 of Vogel et al., the liquid channel shown to remove liquid appears at the substantially same radial position as the channel to supply liquid and thus does not clearly show that the liquid outlet port is radially outward of the liquid inlet port relative to an optical axis of the projection system. Accordingly, Applicant submits that the cited portions of Vogel et al. fail to disclose, teach or suggest a lithographic apparatus comprising, *inter alia*, a liquid supply system comprising at least one immersion liquid inlet port not provided on the substrate table, wherein an at least one immersion liquid outlet port is provided only on the substrate table, or suspended above the substrate table, or both, wherein the at least one immersion liquid outlet port is radially outwardly, relative to an optical axis of the projection system, of the at least one immersion liquid inlet port as recited in independent claim 30.

Therefore, for at least the above reasons, the cited portions of Vogel et al. fail to disclose, teach or suggest all the features recited by independent claim 30. Claims 30, 33 and 34 depend from claim 30 and are, therefore, patentable for at least the same reasons provided above related to claim 30 and for the additional features recited therein. As a result, Applicant respectfully submits that the rejection under 35 U.S.C. §102(e) of claims 30, 33 and 34 in view of Vogel et al. should be withdrawn and the claims allowed.

The Office Action rejected claims 25, 28, 29, 32, 35 and 36 under 35 U.S.C. §103 as being obvious in view of Mizutani et al. further in view of U.S. Patent No. 6,781,668 to Schuster et al. ("Schuster et al."). Applicant respectfully traverses the rejection, without prejudice.

As discussed above, Applicant respectfully submits that Mizutani et al. is not useable as prior art under 35 U.S.C. §102(a), (b) or (e) with respect to Applicant's application and thus is not prior art usable under 35 U.S.C. §103. Further, the cited portions of Schuster et al. do not disclose anything about immersion lithography.

Therefore, for at least the above reasons, Applicant respectfully submits that the rejection under 35 U.S.C. §103 of claims 25, 28, 29, 32, 35 and 36 in view of Mizutani et al. and Schuster et al. is moot and the claims should be allowed.

The Office Action rejected claims 23, 27 and 37 under 35 U.S.C. §103 as being obvious in view of Mizutani et al. further in view of U.S. Patent No. 6,788,477 to Lin ("Lin"). Applicant respectfully traverses the rejection, without prejudice.

As discussed above, Applicant respectfully submits that Mizutani et al. is not useable as prior art under 35 U.S.C. §102(a), (b) or (e) with respect to Applicant's application and thus is not prior art usable under 35 U.S.C. §103.

Further, the cited portions of Lin, for example, provide no disclosure, teaching or suggestion regarding an immersion liquid inlet port provided on a boundary of the space, not provided on the substrate table, and mechanically isolated from the projection system as recited in claim 21. Further, for example, the cited portions of Lin provide no disclosure, teaching or suggestion regarding a liquid supply system comprising at least one immersion liquid inlet port not provided on the substrate table as recited in claim 30. The cited portions of Lin only disclose a liquid inlet provided on the substrate table.

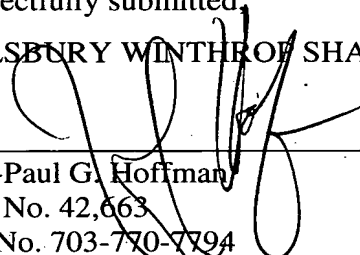
Therefore, for at least the above reasons, Applicant respectfully submits that the rejection under 35 U.S.C. §103 of claims 23, 27 and 37 in view of Mizutani et al., Lin, and any combination thereof, is moot and the claims should be allowed.

All rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance. If questions relating to patentability remain, the Examiner is invited to contact the undersigned to discuss them.

Should any fees be due, please charge them to our deposit account no. 03-3975, under our order no. 081468/0307331. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced deposit account.

Respectfully submitted,

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